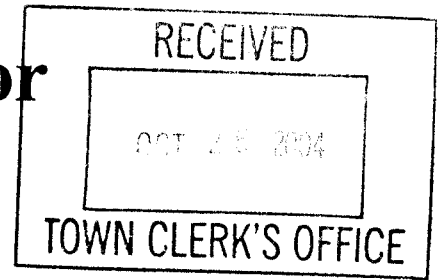




Town of New Windsor

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OFFICE OF THE PLANNING BOARD



**WEDNESDAY, OCTOBER 27, 2004 — 7:30 PM
TENTATIVE AGENDA**

CALL TO ORDER

ROLL CALL

**APPROVAL OF MINUTES DATED: SEPTEMBER 8, 2004
SEPTEMBER 22, 2004**

PUBLIC HEARINGS:

1. **ANDREW KRIEGER, ATTY. SITE PLAN & SPECIAL PERMIT (04-30) 225
PARKWAY DRIVE - Proposed home professional office.**

REGULAR ITEMS:

2. **SARDULLO/LOVANO LOT LINE CHANGE (04-31) BEAVER BROOK ROAD
(BAKER) Proposed residential lot line change.**
3. **TPS SOIL RECLAMATION – SPECIAL PERMIT AMENDMENT (04-32)
Proposed change in hours of operation.**

PRESUBMISSION:

4. **RIZZO SITE PLAN – Proposed woodworking shop Weather Oak Hill and Rt. 207**

ADJOURNMENT

(NEXT MEETING – NOVEMBER 10, 2004)

October 27, 2004

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TOWN OF NEW WINDSOR

PLANNING BOARD

OCTOBER 27, 2004

MEMBERS PRESENT: JAMES PETRO, CHAIRMAN
RON LANDER
JERRY ARGENIO
THOMAS KARNAVEZOS
NEIL SCHLESINGER
DANIEL GALLAGHER

ALTERNATES: ERIC MASON

ALSO PRESENT: MICHAEL BABCOCK
BUILDING INSPECTOR

ANDREW KRIEGER, ESQ.
PLANNING BOARD ATTORNEY

MYRA MASON
PLANNING BOARD SECRETARY

ABSENT: MARK EDSALL, P.E.
PLANNING BOARD ENGINEER

REGULAR MEETING

MR. PETRO: I'd like to call to order the October 27,
2004 Town of New Windsor Planning Board meeting.
Please stand for the Pledge of Allegiance.

(Whereupon, the Pledge of Allegiance was recited.)

APPROVAL OF MINUTES DATED: SEPTEMBER 8, 2004
SEPTEMBER 22, 2004

MR. PETRO: Approval of minutes dated September 8, 2004 and September 22, 2004 as written.

MR. ARGENIO: I'll make a motion we approve both sets as written.

MR. SCHLESINGER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board accept the minutes of those dates as written. Any further discussion from the board members? If not, roll call.

ROLL CALL

MR. LANDER	AYE
MR. SCHLESINGER	AYE
MR. GALLAGHER	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

PUBLIC HEARINGS:

ANDREW KRIEGER, ATTY, SITE PLAN & SPECIAL PERMIT
(04-30)

Andrew Krieger, Esq. appeared before the board for this proposal.

MR. PETRO: This is for a proposed home professional office. Do we have any comments from Orange County at all? Andy, why don't you bring us up to date and we'll go to the public, okay?

MR. KRIEGER: This is for the purpose of putting an office behind my house, I think you have the, it's under a special permit under 300-25. I think you have the plans, specifically direct your attention to the portion in the lower right-hand portion which is the site plan, shows the location and the dwelling, the proposed addition behind it is a single room as is specified on the plans. The property is on a significant downslope, the proposed addition of the single room is to go behind the dwelling so it will not be seen from the roadway. The blacktop that's indicated, the portion leading out to the road is existing, it's the driveway, there will be no change in that, the additional pavement is to provide the parking spaces as is required by the statute. As the board can see, there's ample property for this cause the lot extends a considerable way south, the house itself faces a little west of north, basically north. I don't know if there's anything else anybody else wants?

MR. PETRO: Okay, I'll open it up to the public for any comments. Is there anyone here who'd like to speak before the board, state your name and address and your concerns? Is there anyone who'd like to speak?

MR. ARGENIO: As nobody's raised their hand, I make a motion we close.

MR. LANDER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board close the public hearing for the Andy Krieger site plan and special permit. Any further discussion from the board members? If not, roll call.

ROLL CALL

MR. LANDER	AYE
MR. SCHLESINGER	AYE
MR. GALLAGHER	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. PETRO: At this time, I'd reopen it to the meeting to the members of the board, any other input? I think we've seen this a couple times, it's very minor by nature. Mike, do you have anything that you'd like to bring up?

MR. BABCOCK: We worked with the applicant to put this office within the dwelling for quite extensive work and there's such problems as ceiling heights, door heights and things that there was no way that he could meet the code by putting this office in his house which he's allowed to do. So that's why he went for the addition to put the office in so that we can get the proper ceiling heights, the proper door widths.

MR. ARGENIO: So implied in that there's no problem with the addition from the building department's point of view?

MR. BABCOCK: Yes.

MR. PETRO: You've encouraged it basically?

MR. BABCOCK: Yes.

MR. PETRO: Any members have anything else? If not, I'll entertain a motion for final approval. We need to do a negative dec.

MR. ARGENIO: Motion for the negative dec for the Krieger site plan special use permit.

MR. LANDER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare a negative dec for Andrew Krieger site plan and special permit. Any further discussion from the board members? If not, roll call.

ROLL CALL

MR. LANDER	AYE
MR. SCHLESINGER	AYE
MR. GALLAGHER	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. PETRO: Now I will entertain a motion for final approval.

MR. ARGENIO: I'll make the motion for final approval for Andrew Krieger site plan.

MR. LANDER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant final approval to the Andy Krieger site plan and special permit. Any further discussion from the board members? If not, roll call.

ROLL CALL

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MR. LANDER	AYE
MR. SCHLESINGER	AYE
MR. GALLAGHER	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. PETRO: Thank you, Andy.

MR. KRIEGER: Thank you.

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REGULAR ITEMS:

SARDULLO/LOVANO LOT LINE CHANGE (04-31)

Mr. David Baker appeared before the board for this proposal.

MR. PETRO: Proposed residential lot line change represented by Mr. Baker, is that correct?

MR. BAKER: Yes, sir. I'm Dave Baker, I'm a land surveyor, my clients are Wayne Sardullo and Joe Lovano who live on Beaver Brook Road, it's in Beaver Dam. They're looking to do a lot line alteration, essentially both lots comprise five acres, Mr. Sardullo is looking to convey what's now, he has 1.8 acres, he's looking to convey .8 acres to Mr. Lovano, it's in an R-4 district, we did have the workshop with Mark Edsall, I think we addressed a few of his concerns which were, I know he's not here tonight, but which are essentially listing out the zoning a little better.

MR. PETRO: R-4 is one acre?

MR. BABCOCK: Yes, it is.

MR. BAKER: Yes, right now, this would leave, this would leave Mr. Sardullo with approximately a little more than an acre on here, there's really no use variations--

MR. PETRO: No non-conformities created by this placement of the setbacks?

MR. BAKER: Right.

MR. PETRO: How about road frontage?

MR. BAKER: That remains the same. As you can see, if you take a look at it using over here the existing lot

line runs like this, the conveyance parcel would cut a line in back of Mr. Sardullo here, this is the conveyance parcel about .8, that will be conveyed over to this lot to Lovano. There's one family dwelling on both parcels right now there's no intention to change the use.

MR. PETRO: What's the purpose of this lot line change?

MR. BAKER: Well, Mr. Lovano is looking to get a little bit of a buffer over this side, he's aware that there's some development possibly going on here, so he's looking for some buffer here. He also wants to acquire this shed right here which actually isn't on a foundation but is a sizable shed and we have created a line that it runs about 11 feet or so off the shed keeping it conforming so essentially this becomes his new configuration.

MR. PETRO: Mike, that shed if that's the front yard don't you need more than that?

MR. BABCOCK: Actually it would be a side yard, Mr. Chairman.

MR. PETRO: That's how 11, 11 feet works?

MR. BABCOCK: Yes.

MR. BAKER: That's essentially it. We did go over this of course with Mr. Edsall and he didn't seem to have any problem.

MR. PETRO: Where is the front yard for the shed?

MR. BABCOCK: The front yard, Mr. Chairman, is on Beaver Brook Road, this is actually a flag lot, would be a flag lot, that's why we would.

MR. PETRO: So he's got a huge front yard is what

you're saying?

MR. BABCOCK: I don't consider that a front yard where the shed is.

MR. BAKER: Interesting question to say that was approached by Mr. Edsall, he seemed to feel--

MR. PETRO: I'm not trying to muddy the waters, just figure out how they're figuring it out. If Beaver Brook is the front yard, it's on that side, if it's on that side, why is 11 feet okay?

MR. BABCOCK: Well, the 200 feet along Beaver Brook Road is the only front yard for the 57-1-48.1, coming down the side will be a side yard and he has multiple side yards because of the shape of the lot.

MR. PETRO: I will assume you know more about that than I know.

MR. BABCOCK: One thing we do have to clarify and you should do that tell your applicant to do that is clarify that shed in the building department because this shed is going to come up with or without a building permit or C.O. for the existing lot two. Right now, if there's paperwork for it, it would be in lot 2's, so if lot 1 goes to refinance or something that shed's going to come up as a violation. So we need to take the paperwork out of lot 2 and put it with lot 1.

MR. BAKER: Okay, we'll have, this is Mr. Sardullo, we'll have him do that.

MR. BABCOCK: You know what I'm saying? The shed is owned by lot 1 right now and the paperwork would be in lot 2's file for that shed, but right now you're taking the shed's going to go to lot 1 without the paperwork.

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MR. ARGENIO: What's the paperwork, is it a C.O. or just original building permit?

MR. BABCOCK: Hopefully, there's a Certificate of Occupancy on the shed and if there is one, it would be in lot 2's file. We have to make sure it finds its way to lot 1 file so there's no problems in the future.

MR. SCHLESINGER: Mr. Baker made it a point saying one of the reasons why he wants the lot line change is because he wants the shed and if he wants the shed, I would think that he'd want to make sure that it has the right paperwork to go along with it.

MR. BAKER: Sure.

MR. PETRO: You should have been on Star Trek, remember they used to have the reasoning all the time with the robot and all this?

MR. SCHLESINGER: I used to be.

MR. PETRO: Motion for lead agency.

MR. ARGENIO: So moved.

MR. LANDER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare itself lead agency for the Sardullo/Lovano lot line change on Beaver Brook Road. Is there any further discussion from the board members? If not, roll call.

ROLL CALL

MR. LANDER	AYE
MR. SCHLESINGER	AYE
MR. GALLAGHER	AYE
MR. ARGENIO	AYE

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MR. PETRO AYE

MR. PETRO: Motion to waive the public hearing under its discretionary judgment.

MR. ARGENIO: I'll make the motion.

MR. LANDER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board waive the public hearing under its discretionary judgment for the lot line change of Sardullo/Lovano. Any further discussion from the board members? If not, roll call.

ROLL CALL

MR. LANDER	AYE
MR. SCHLESINGER	AYE
MR. GALLAGHER	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. PETRO: Motion for negative dec?

MR. ARGENIO: So moved.

MR. LANDER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare negative dec for the Sardullo/Lovano lot line change on Beaver Brook Road. Is there any further discussion from the board members? If not, roll call.

ROLL CALL

MR. LANDER	AYE
MR. SCHLESINGER	AYE
MR. GALLAGHER	AYE

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MR. ARGENIO	AYE
MR. PETRO	AYE

MR. PETRO: Motion for final approval?

MR. ARGENIO: So moved.

MR. LANDER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant final approval to the Sardullo/Lovano lot line change on Beaver Brook Road. Any further discussion from the board members? If not, roll call.

ROLL CALL

MR. LANDER	AYE
MR. SCHLESINGER	AYE
MR. GALLAGHER	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

TPS SOIL RECLAMATION - SPECIAL PERMIT AMENDMENT (04-32)

Mr. Aly Bedetti appeared before the board for this proposal.

MR. PETRO: Proposed hours of operation.

MR. BEDETTI: As you all know, we're trying to match our special permit with the Town to our state permits which is 21 hours a day with just a slight change, the State is allowing us 21 hours on Saturday where we're not looking for that. The only change is just Monday to Friday the five extra hours, just a minor change to the permit, nothing else is going to change as far as the permit is concerned with the Town, no added truck hours, no added Saturday operating hours, no added soil acceptance hours, doors close just like they were from 6 at night to 6 in the morning, continue to meet the permits and town noise ordinance.

MR. PETRO: What we're going to do is schedule a public hearing because it's an extension of the special use permit which is mandatory by law, let's get the public in, see if there's any outcry, any problem and this little paper that you have prepared, kind of says it all, I don't think personally don't really have a problem with it, but we want to get the input from the people who live around there and it states that you haven't had any complaints in three years as far as noise?

MR. BEDETTI: We've had no DEC.

MR. PETRO: I'm sure you've done your homework, I believe that to be true, you're not going to the full extent of your DEC permit just adding one eight hour shift.

MR. BEDETTI: Yes, we're going to add one eight hour shift but only five hours of burn time, the rest will

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be maintenance so the plant will be down.

MR. PETRO: So let's get them set up for a public hearing special use permit. Motion for lead agency.

MR. ARGENIO: So moved.

MR. LANDER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare itself lead agency for the TPS Soil REclamation special permit amendment. Is there any further discussion? If not, roll call.

ROLL CALL

MR. LANDER	AYE
MR. SCHLESINGER	AYE
MR. GALLAGHER	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. PETRO: That's as far as we can go tonight, schedule it with Myra whenever you're ready and basically you're probably ready, put you on the next agenda, only have two meetings left this year, we have one in December and one in November, probably the December because she has mailings and whatnot but we'll get it done for you.

MR. BEDETTI: Thank you.

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PRESUBMISSION:

RIZZO SITE PLAN - PROPOSED WOODWORKING SHOP ON WEATHER
OAK HILL AND RT. 207

Mr. Angelo Rizzo and Mr. Robert Wojehowski appeared before the board for this proposal.

MR. PETRO: Is there any commercial property on that road?

MR. BABCOCK: Yeah, it's right on the corner, it's the Chinese restaurant and it's a little garage behind the Chinese restaurant.

MR. ARGENIO: Next to the firehouse?

MR. PETRO: Chinese restaurant's going out?

MR. BABCOCK: No.

MR. PETRO: It's between the Chinese restaurant and the firehouse there's a little garage.

MR. BABCOCK: There's a house and garage.

MR. PETRO: NC zone there?

MR. BABCOCK: That's correct.

MR. ARGENIO: That's the garage, the yellow one?

MR. RIZZO: That's right in the back.

MR. PETRO: Would be a woodworking shop for the public or for yourself?

MR. WOJEHOWSKI: I want to rent it from him, just a one man operation.

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MR. PETRO: But you're going to have people there, if I need something done, I can come see you?

MR. WOJEHOWSKI: Only by appointment, custom woodworking.

MR. PETRO: By appointment, but that would still require parking, would it not?

MR. BABCOCK: Well, what I understood, I didn't make the workshop with this, what I understood from Mark with very little time and detail is that it would be sales on the internet.

MR. WOJEHOWSKI: Mostly working off the internet.

MR. BABCOCK: That's why we had referred to Mark that they were going to do all the sales on the internet so it won't be a retail store.

MR. WOJEHOWSKI: No, I won't be doing retail, there's no retail involved.

MR. ARGENIO: What are you going to make, wooden toys, cabinets?

MR. WOJEHOWSKI: No, actually garden furniture and--

MR. ARGENIO: Alpine chairs?

MR. WOJEHOWSKI: Adirondack chairs and things like that.

MR. PETRO: I have Mark's comments here, Mike.

MR. BABCOCK: That's what I read, Mr. Chairman, and I did talk to Mark a little bit this afternoon very quickly and he said that we have to make sure that we're not approving it as a retail store because he doesn't have the parking and that it's just for

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internet sales.

MR. PETRO: We did this very similar thing down here on 207 with the house across from the Cantonment.

MR. ARGENIO: The guy that was doing the powder coating.

MR. PETRO: As long as it never went outside, we didn't have a problem but we did tell him if it becomes a problem, we start seeing traffic, he will be called back in to the planning board and have to come up with a site plan.

MR. ARGENIO: Is it under a special use permit?

MR. BABCOCK: No, actually, it's a permitted use in that zone but he would have to create a site plan and I'm not sure he would be able to, he doesn't have sufficient parking as it is now to support what the code would require as a retail store and his Chinese restaurant he has other lands.

MR. PETRO: The parking would have to be delineated, have to have handicapped. If it becomes a problem or we get a formal complain then be prepared to come back to the planning board and make a site plan. Now by a problem we don't mean somebody riding by they don't like you because you're wearing a blue shirt, it's got to be a legitimate complaint and followup with their name and address.

MR. SCHLESINGER: Running a band saw in the middle of the night.

MR. PETRO: Something legitimate because we just don't take a complaint because they don't like guys with mustaches, unless you do something crazy, I don't have a problem, you can handle the rest of it.

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MR. BABCOCK: Yes.

MR. RIZZO: You can keep them if you want.

MR. PETRO: No, this is Mark's comments and you have a good night.

DISCUSSION

MR. PETRO: Do you have anything else for tonight?

MR. MASON: I actually do have one thing, Mr. Chairman, maybe we can get Myra to write a letter to the State regarding the intersection of 94 and Union Avenue. When you go down that intersection and you want to make a left-hand turn you're assuming that the traffic coming the opposite way knows, it's created a lot of problems down there cause there's a delayed green or advanced green light so they need an arrow or a sign, I think that would be a good idea.

MR. SCHLESINGER: By the movie theater?

MR. MASON: Yes, they have a sign coming from the river up it says delayed green.

MR. PETRO: You can contact someone from DOT.

MR. SCHLESINGER: What's delayed green mean?

MR. MASON: It means that your light is delayed from the opposite traffic coming up.

MR. BABCOCK: But it doesn't have one on the opposite side and it's delayed.

MR. MASON: What happens is and it's happened to me several times now cause I've been working down there.

MR. SCHLESINGER: You just assume you can go.

MR. MASON: I'm going towards the river they're got traffic going up, they're waiting for traffic.

MR. PETRO: Motion to adjourn?

MR. ARGENIO: So moved.

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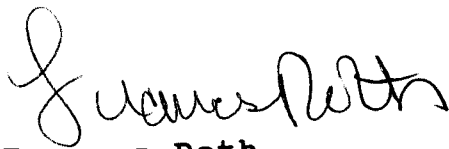
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MR. LANDER: Second it.

ROLL CALL

MR. LANDER	AYE
MR. SCHLESINGER	AYE
MR. GALLAGHER	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

Respectfully Submitted By:


Frances Roth
Stenographer

11/8/04